

# UNITED STATES DISTRICT COURT

for the  
Western District of North Carolina

United States of America

v.

)  
Case No: 0419 3:94CR00147  
USM No: 11313-058  
Tom Aaron Tate )  
Date of Original Judgment: October 12, 1995 )  
Date of Last Amended Judgment: June 6, 2013 )  
Caleb Newman )  
Defendant's Attorney )

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

AND NOW, this 4<sup>th</sup> day of December, 2015,

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction of sentence pursuant to Amendment 782 to the Sentencing Guidelines, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of **is reduced to**,

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
Original Guideline Range: \_\_\_\_\_ Amended Guideline Range: \_\_\_\_\_

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Amendment 782 is subject to a Special Instruction at USSG §1B1.10(e)(1) that reduced sentences shall not take effect until November 1, 2015, or later. Since this defendant's projected GCT release date is, Amendment 782 is not applicable in this case.
- The Reduced sentence is based upon Amendment  750  782
- Other (explain): Amendment 782 reduces the United States Sentencing Guidelines by two levels for controlled substances only. Since this defendant was not held accountable for any controlled substance, Amendment 782 is not applicable in this case.

### III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Office prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Resident Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office.

Except as provided above, all provisions of the judgment dated October 12, 1995, and amended June 6, 2013, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 4, 2015

Signed: December 7, 2015

Effective Date:  
(if different from order date)



Graham C. Mullen  
United States District Judge

